

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LOUIS ANTHONY SWINNEY,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-05-1451-M
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	

ORDER


On January 26, 2006, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended dismissal without prejudice with respect to Grounds One and Three of the petition. With respect to Ground Two, the Magistrate Judge recommended dismissal without prejudice, unless, within twenty (20) days of any order adopting the Report and Recommendation, Petitioner files an amended petition presenting only the claim contained in Ground Two, and correcting the deficiencies with regard to that ground consistent with the Report and Recommendation. The parties were advised of their right to object to the Report and Recommendation by February 15, 2006. A review of the file reveals that no objection has been filed.

Upon *de novo* review, the Court hereby:

- (1) ADOPTS the Report and Recommendation issued by Magistrate Judge Argo on January 26, 2006;
- (2) DISMISSES Petitioner's Petition without prejudice; and

- (3) GRANTS Petitioner leave to file an amended petition consistent with the Report and Recommendation with respect to Ground Two within twenty (20) days from the date of this order.

IT IS SO ORDERED this 24th day of February, 2006.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE